

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	
DAVID ROBERT THOMPSON	:	CASE NO. 1-18-00449-RNO
aka DAVE ROBERT THOMPSON	:	
DENISE PEARL THOMPSON	:	
Debtors	:	
	:	CHAPTER 13
CARTER LUMBER COMPANY, INC.	:	
Movant	:	
	:	
v.	:	
	:	
DAVID ROBERT THOMPSON	:	
aka DAVE ROBERT THOMPSON	:	
DENISE PEARL THOMPSON	:	
Respondents	:	

**DEBTORS' RESPONSE TO AMENDED MOTION OF CARTER
LUMBER COMPANY, INC. TO DISMISS CHAPTER 13 CASE**

AND NOW, come Debtors, David Robert Thompson and Denise Pearl Thompson, by and through their attorney, Gary J. Imblum, and respectfully respond as follows:

1. Admitted.
2. Admitted in part and denied in part. It is denied that Carter Lumber has an unavoidable secured claim against Debtors. Carter Lumber's Judgment was entered in Cumberland County, Pennsylvania only a few days prior to the filing of the bankruptcy. Accordingly, it is avoidable as a preference. As a result, Movant's claim will secured claim against Debtors' real estate located in Cumberland County, Pennsylvania.
3. Denied. See response to paragraph 2.
4. Denied. See response to paragraph 2.
5. Admitted.

6. Admitted in part and denied in part. The allegations of paragraph 6 are conclusions of law to which no response is required. Strict proof is demanded.

7. Admitted in part and denied in part. The bar date has now passed in this case. The secured claims filed total \$1,048,124.08. Accordingly, the secured debts are within the debt limits as set forth in 11 U.S.C. § 109(e). As to the unsecured debts, Debtors listed numerous debts that were debts of their corporation, but were listed to discharge any possible personal obligation for same. However, Debtors believe and hereby aver they do not have personal liability for these claims. Claims filed for such debts include the following:

- a. Innovative Painting Systems - \$10,660.03 (Claim No. 2);
- b. Touch of Color Flooring - \$61,865.04 (Claim No. 5);
- c. Tradesman Building Group - \$10,150.00 (Claim No. 6);
- d. David F. McClure Company, d/b/a Daflure Heating and Cooling - \$21,506.50 (Claim No. 7);
- e. Winding Hill Window Cleaning Co. - \$1,443.98 (Claim No. 8);
- f. Joe Henry d/b/a J& C Electrical Services - \$9,381.75 (Claim No. 15);
- g. John H. Myers & Sons, Inc. - \$22,427.44 (Claim No. 24);
- h. Jesse Esh dba Esh Drywall - \$88,687.00 (Claim No. 25);
- i. Linda S. Bales Living Trust - \$104,888.14 (Claim No. 27);
- j. Dawood Engineering, Inc. - \$2,720.10 (Claim No. 30);
- k. Reed Concrete Work, LLC - \$26,374.94 (Claim No. 34)
- l. Lancaster Poured Walls, Inc. - \$41,740.24 (Claim No. 35);
- m. Hoover Engineering Services, Inc. - \$1,500.00 (Claim No. 36).

Said claims total \$403,345.16. Said amount should not be included in the calculation of the amount of Debtors' unsecured debts.

8. Admitted in part and denied in part. The allegations of paragraph 8 are conclusions of law to which no response is required. Strict proof is demanded.

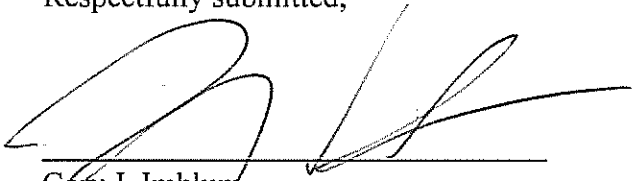
9. Admitted in part and denied in part. See response to paragraph 7.

10. Admitted in part and denied in part. The allegations of paragraph 10 are conclusions of law to which no response is required.

11. Admitted.

WHEREFORE, Debtors respectfully request that this Honorable Court issue an Order denying the Motion to Dismiss Case. In the alternative, if the Court finds the Motion to Dismiss to be of merit, Debtors elect to convert to Chapter 7.

Respectfully submitted,



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Attorney for Debtors

DATED: 6/19/18

CERTIFICATION OF SERVICE

I, Carol V. Shay, Paralegal, do hereby certify that I have served a copy of the foregoing DEBTORS' RESPONSE TO AMENDED MOTION OF CARTER LUMBER COMPANY, INC. TO DISMISS CHAPTER 13 CASE upon the following persons by E-Service or by United States Mail, first class, postage prepaid, at Harrisburg, Dauphin County, Pennsylvania, addressed to:

CHARLES J DEHART III ESQUIRE
CHAPTER 13 TRUSTEE
VIA E-SERVICE

dehartstaff@pamd13trustee.com

JOHN M. HYAMS, ESQUIRE
COUNSEL FOR MOVANT
VIA E-SERVICE

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DATED: 6/19/18